

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA**  
**Plaintiff**

**v.**

**Case Number 4:08CR3168-001**

**USM Number 10261-173**

**MICHAEL TERRELL JOHNSON**  
**Defendant**

**THOMAS R. LAMB**

**Defendant's Attorney**

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**JUDGMENT IN A CRIMINAL CASE  
(For Revocation of Probation or Supervised Release)**

**THE DEFENDANT** admitted guilt to violation of a Mandatory Condition, Standard conditions #6, Special Conditions #2 and 5 of the term of supervision.

**ACCORDINGLY**, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date Violation Concluded</u>
1. (Mandatory Condition)	The defendant shall not commit another federal, state, or local crime.	September 22, 2012
4. (Standard Condition #6)	The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.	June 7, 2012
6. (Special Condition #2)	The defendant shall not consume any alcoholic beverages or frequent establishments whose primary business is the sale of alcohol beverages.	September 22, 2012
7. (Special Condition #5)	The defendant shall pay restitution in the amount of \$10,552.51, as ordered by the Court.	September 30, 2012

Original Offense: Access Device Fraud in violation of 18 USC 1029(a)(5)

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Allegations Number 2, 3 and 5 of the Amended Petition and the Original Petition are dismissed on the motion of the United States as to this defendant only.

Following the imposition of sentence, the Court advised the defendant of the right to appeal

pursuant to the provisions of Fed. R. Crim. P. 32 and the provisions of 18 U.S.C. § 3742 (a) and that such Notice of Appeal must be filed with the Clerk of this Court within fourteen (14) days of this date pursuant to Fed. R. App. P. 4.

The defendant shall cooperate in the collection of DNA, pursuant to Public Law 108-405 (Revised DNA Collection Requirements under the Justice for All Act of 2004).

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:  
December 6, 2012

*Richard G. Kopf*  
Senior United States District Judge

December 6, 2012

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### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **12 months**.

The Court makes the following recommendations to the Bureau of Prisons:

1. That the defendant be incarcerated at the camp in **Yankton, South Dakota**.

The defendant is remanded to the custody of the United States Marshal.

### ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receipt of a copy of this judgment this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

### RETURN

It is hereby acknowledged that the defendant was delivered on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES WARDEN

By: \_\_\_\_\_

**NOTE: The following certificate must also be completed if the defendant has not signed the Acknowledgment of Receipt, above.**

### CERTIFICATE

It is hereby certified that a copy of this judgment was served upon the defendant this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES WARDEN

By: \_\_\_\_\_

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## SUPERVISED RELEASE

No term of supervised release is imposed.

## CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

### Total Assessment

**\$200.00 (paid)**

### Total Fine

### Total Restitution

**\$10,552.51**

The Court has determined that the defendant does not have the ability to pay interest and it is ordered that:

interest requirement is waived.

## FINE

No fine imposed.

## RESTITUTION

The Court gives notice that this case involves other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future.

Restitution in the amount of **\$10,552.51** is hereby ordered. The defendant shall make restitution to the following payees in the amounts listed below. Restitution is hereby ordered jointly and severally with: Fredarrik Stewart-McGee, Southern Division of South Dakota, Case No. CR08-40065-01, in the amount of \$10,552.51.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(l), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>**Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
Michael James Johnson	\$500.00	\$500.00	1 <sup>st</sup>
American Express Co.	\$8,052.01	\$8,052.01	2 <sup>nd</sup>
Chase Card Services	\$2,000.50	\$2,000.50	2 <sup>nd</sup>
<b>Totals</b>	<b>\$10,552.51</b>	<b>\$10,552.51</b>	

\*\*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

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## **SCHEDULE OF PAYMENTS**

The defendant shall pay the special assessment in the amount of \$200.00 (paid).

The criminal monetary penalty is due in full on the date of the judgment. The defendant is obligated to pay said sum immediately if he or she has the capacity to do so. The United States of America may institute civil collection proceedings at any time to satisfy all or any portion of the criminal monetary penalty.

Without limiting the foregoing, and during the defendant's term of incarceration, the defendant shall participate in the Bureau of Prisons' Financial Inmate Responsibility Program. Using such Program, the defendant shall pay 50% of the available inmate institutional funds per quarter towards the criminal monetary penalty.

Without limiting the foregoing, and following release from prison, the defendant shall make payments to satisfy the criminal monetary penalty in the following manner: (a) monthly installments of \$100 or 3% of the defendant's gross income, whichever is greater; (b) the first payment shall commence 30 days following the defendant's discharge from incarceration, and continue until the criminal monetary penalty is paid in full; and (c) the defendant shall be responsible for providing proof of payment to the probation officer as directed.

Any payments made on the outstanding criminal monetary penalty shall be applied in the following order of priority: special assessment; restitution; fine; and other penalties. Unless otherwise specifically ordered, all criminal monetary penalty payments, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, shall be made to the clerk of the Court. Unless otherwise specifically ordered, interest shall not accrue on the criminal monetary penalty.

All financial penalty payments are to be made to the Clerk of Court for the District of South Dakota, 400 S Phillips Ave #128, Sioux Falls, SD 57104-6851.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

The defendant shall inform the probation officer of any change in his or her economic circumstances affecting the ability to make monthly installments, or increase the monthly payment amount, as ordered by the court.

The defendant is restrained from transferring any real or personal property, unless it is necessary to liquidate and apply the proceeds of such property as full or partial payment of the criminal monetary penalty.

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CLERK'S OFFICE USE ONLY:  
ECF DOCUMENT

I hereby attest and certify this is a printed copy of a document which was electronically filed with the United States District Court for the District of Nebraska.

Date Filed: \_\_\_\_\_

DENISE M. LUCKS, CLERK

By \_\_\_\_\_ Deputy Clerk